Rama Varmha Tampuran *(Secretary to Government)*: The hon'ble member knows as well as I do, in view of answer to sub-division (*b*).

Mr. A. B. Salem *(Mattancheri)*: May I know, Sir, whether under the provision of the Act the Government have fixed the allowance of the Members till the Council passed the Bill. Now you say a Bill has been passed by the Council. Can you reconcile it.

Rama Varmha Tampuran *(Secretary to Government)*: So far, the Government have not noticed anything irregular in that action.

Mr. A. B. Salem *(Mattancheri)*: In section 23 the wording is "Members of the Legislative Council shall be entitled to receive such allowances as may from time to time be determined by an Act of the Legislature, and until provision in that respect is so made, as may be determined by rules under this Act." So this Council made provision by a Bill and submitted it to the Government and up to now nothing has happened.

Rama Varmha Tampuran *(Secretary to Government)*: It is not an Act now.

Mr. A. B. Salem *(Mattancheri)*: That does not matter. We can only do thus much. We cannot make you do anything. How can you reconcile the provision in that section and the action taken by you.

Rama Varmha Tampuran *(Secretary to Government)*: As I pointed out, no irregularity has been noticed by the Government so far. If the Hon'ble Members consider that there has been any irregularity I submit the Hon'ble Member may put in a specific question on the point.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: May I know whether in the opinion of the Government the Bill passed in this behalf by the Council stands on the same footing as any other Act passed by this Council.

Rama Varmha Tampuran *(Secretary to Government)*: That is a matter of opinion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: On that ground you take shelter. My next question is will the Government be pleased to apply their mind seriously to section 23 and see whether it differs from the other Acts that are passed by this Council which always require the assent of His Highness. This is only a suggestion. I don't want any answer. I want the Government to think for themselves and find out whether there is any difference.

Mr. President: It is not a supplementary question.

Mr. A. B. Salem *(Mattancheri)*: May I know whether the provision made in the Act with reference to the Deputy President and with reference to the Minister referring to the salaries is not identically the same.

Rama Varmha Tampuran *(Secretary to Government)*: I want notice.

Mr. C. V. Iyyu *(Kunnamkulam)*: May I know from the Hon'ble Government Secretary whether it is not the duty of the Government to get the assent of His Highness for the Bill.

Rama Varmha Tampuran *(Secretary to Government)*: I don't think any answer is due from me to this question.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know whether the Government cannot give an assurance that this Bill will not receive the assent of His Highness the Maharaja. *(Laughter)*.

JUDGES OF THE HIGH COURT—SUPERANNUATION AGE, ETC.

65. Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): Will Government be pleased to state.—

(*a*) are Government aware that retired Judges of the High Courts of Madras and Travancore are not allowed to practise after retirement;

(*b*) are Government aware what the superannuation age is for High Court Judges in Travancore and Madras?

Mr. B. V. K. Menon (*Joint Secretary to Government*):

(*a*) Yes.

(*b*) Yes; 55 years in Travancore and 60 years in Madras.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Has the Government received any representation to extend the retiring age of the High Court Judges?

Mr. B. V. K. Menon *(Joint Secretary to Government)*: Yes.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Has the Government considered about it?

Mr. B. V. K. Menon *(Joint Secretary to Government)*: It is being considered.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Result?

Mr. B. V. K. Menon *(Joint Secretary to Government)*: Not yet decided.

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Mr. M. Krishna Menon *(Trichur-North):* May I know whether the Government are aware that the principle upon which the retired High Court Judges of Madras and Travancore are de-barred from practising.

Mr. B. V. K. Menon *(Joint Secretary to Government):* Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* There is another question on that.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know when exactly representation was received as regards extending the age of the retirement of the High Court Judges.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I want notice.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* Who made the representation?

Rama Varmha Tampuran *(Secretary to Government):* It is not exactly a representation by anybody. The question is under consideration of the Government.

Mr. A. Eachara Menon *(Chittur-Rural):* May I know whether before they used to take an undertaking to the effect that they won't practise after retirement.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know Sir, when exactly the Government began considering this question.

Rama Varmha Tampuran *(Secretary to Government):* This question came up before the Government off and on, and I think it is now pending consideration.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know when exactly the question came up for the consideration for the last time.

Mr. B. V. K. Menon *(Joint Secretary to Government):* About one and a half or two months back.

Mr. A. B. Salem *(Mattancheri):* May I know Sir, for how many years a person can become a High Court Judge?

Mr. B. V. K. Menon *(Joint Secretary to Government):* Till he completes 55 years of age.

Mr. A. B. Salem *(Mattancheri):* That is the present rule.

Mr. B. V. K. Menon *(Joint Secretary to Government):* Yes.

66. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Will Government be pleased to state.—

(*a*) are there rules in Cochin State prohibiting a retired Judge of the Hon'ble High Court from practising before Courts after retirement;

(*b*) have not repeated representations been made by the Legislative Council in this behalf?

Mr. B. V. K. Menon *(Joint Secretary to Government):*

(*a*) No.

(*b*) Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* With regard to (*b*) may I know when roughly was the first representation made in this behalf to the Government of Cochin.

Mr. B. V. K. Menon *(Joint Secretary to Government):* In 1104.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Have the Government been applying their mind to this question ever since 1104?

Mr. B. V. K. Menon *(Joint Secretary to Government):* This question was considered off and on whenever there had been a representation in this Council.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Has any decision been taken on this side of 1104 and prior to to-day on this question.

Mr. B. V. K. Menon *(Joint Secretary to Government):* Yes. Once it was decided that an undertaking should be got from the Judges of the High Court before their appointment that they will not practise after retirement. Later on, Government thought it was not necessary to fix that rule and the existing practice was allowed to continue.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I know when the decision to take an undertaking from the Gentlemen who are raised to the High Court Bench, was taken.

Mr. B. V. K. Menon *(Joint Secretary to Government):* In 1106.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* When was this decision revoked.

Mr. B. V. K. Menon *(Joint Secretary to Government):* In 1935.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Malayalam Calendar please.

Mr. B. V. K. Menon *(Joint Secretary to Government):* 1110.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Was it as a result of representation from any corner that the former decision taken was revoked.

Mr. B. V. K. Menon *(Joint Secretary to Government):* Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Which is the corner from which that representation came, please.

Mr. B. V. K. Menon *(Joint Secretary to Government):* The representation came from those who were going to be affected by that rule. *(Laughter)*

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Was it on a representation from a Gentleman who was about to be raised to the Bench that this decision was revoked?

Mr. B. V. K. Menon *(Joint Secretary to Government):* Not exactly from the Bench.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I know whether subsequent to 1110 representations were made in this Hon. House to insist upon the retiring Judges not to practise in Courts.

Mr. B. V. K. Menon *(Joint Secretary to Government):* Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* When about was that, please.

Mr. B. V. K. Meuon *(Joint Secretary to Government):* In 1939.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* In Malayalam Calendar?

Mr. B. V. K. Menon *(Joint Secretary to Government):* That will be about 1114.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Has any consideration been bestowed upon that representation which was made three years ago.

Mr. B. V. K. Menon *(Joint Secretary to Government):* Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Where do the Government stand in that decision?

Mr. B. V. K. Menon *(Joint Secretary to Government):* The Government thought that no revision was necessary.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri:* Therefore the present position of the Government is that the retired Judges can practise.

Mr. B. V. K. Menon *(Joint Secretary to Government):* At present it is so.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know why the Government found it necessary to take an assurance from the persons raised to the Bench that they willl not practise after retirement.

Mr. B. V. K. Menon *(Joint Secretary to Government):* It was thought that it would not be proper for retired High Court Judges to practise at the same Bar.

Mr. V. K. Bhaskara Menon *(Cranganur):* When exactly did the Government think it better to revoke the former decision ?

Mr. B. V. K. Menon *(Joint Secretrry to Government):* That has already been answered.

Mr. A. B. Salem *(Mattancheri):* Is the Government aware that in Travancore High Court Judges are not allowed to practise now ?

Mr. B. V. K. Menon *(Joint Secretary to Government):* Yes.

Mr. P. P. Devassy *(Trichur-South):* Was there any necessity for the Government to change the opinion regarding the propriety of taking an undertaking ?

Mr. B. V. K. Menon *(Joint Secretary to Government):* Government were requested to re-consider the point. Government then ascertained the practice followed in Mysore, Baroda and Travancore. There was no such restriction there and so we allowed them to practise here also.

Mr. A. B. Salem *(Mattancheri):* After this Council passed a mandate that they should not be allo wed to practise, what were the other reasons that weighed with the Government to allow them to practise.

Mr. B. V. K. Menon *(Joint Secretary to Government):* Government thought it would be rather hard on their part not to allow them to practise especially when it was allowed in the sister States.

Mr. A. B. Salem *(Mattancheri):* In Travancore it is not allowed now.

Mr. B. V. K. Menon *(Joint Secretary to Government):* It was only very recently that Travancore changed the rule.

HOLIDAYS IN CONNECTION WITH THE DEMISE OF H. H. THE LATE MAHARAJA

67. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Will Government be pleased to state.—

(*a*) have not holidays in memory of His Highness the late lamented Maharaja who passed away on 27th Kanni 1119 been declared for all public offices and schools in the State;

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